IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.1011 OF 1998

Esanda Finaz & Leasing Limited .. Petitioner.
Versus
M/s.Trident Steels Limited .. Respondent.

None present.

CORAM : A.M.KHANWILKAR, J.
DATE : 3rd December, 2007.

P.C.:

1. None appears for the petitioner. Office note indicates that respondent company is already ordered to be wound up in terms of order dated 15th December, 2005 in Company Petition No.360 of 1998.

2. Counsel for the respondent, who is appearing in the companion matters informs that the operation of the said order has been stayed by the Appellate Bench of this Court on the ground that BIFR proceedings are pending in respect of the respondent company.

3. The petitioner has failed to take steps of even filing affidavit of service and the petition has remained pending for admission since 1998. On the other hand, the respondent company has filed an affidavit stating that the appeal is pending before the AAIFR. Today, none appears for the petitioner. Petition is, therefore, dismissed for

non prosecution.

4. It is, however, made clear that the petitioners will be free to pursue their claim against the respondent company in appropriate proceedings as may be permissible in Law. All questions on merits in that behalf are expressly kept open.

(A.M.KHANWILKAR, J.)